



August 26, 2015

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Mike

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KATHRYN J. STEFFEY  
ksteffey@smithlawonline.com

Rec'd by e  
mail 8/27/2015  
\$1057/0010

**Via U.S. Mail**

Dana Dean, P.E.  
Associate Director, Mining  
UTAH DEPARTMENT OF NATURAL RESOURCES  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114-5801

**Re: Permit to Commence Small Mine Activities, Pine Ridge Excavation and Landscapes,  
Pine Ridge Rock Products Mine, S/057/0010, Weber County, Utah**

Dear Ms. Dean:

My firm represents Karl Jensen and the Karl A. Jensen Land Holding Co. (collectively "Jensen"). My client has recently been informed that the above-identified Small Mine Activities Permit has been issued by DOGM to Pine Ridge Excavation and Landscapes on August 13, 2015. It is my understanding that this permit concerns mining activities conducted on property solely owned by Jensen (the "Jensen Property").

Please be informed that Jensen has never authorized any mining activities to be performed on the Jensen Property. To the contrary, Mr. Jensen has only given Dan Lockwood and Pine Ridge Landscape permission to "haul rocks," consistent with a CUP issued by Weber County in 2009, which authorizes the removal of surface boulders. Thus, the statement in Mr. Lockwood's permit application that Pine Ridge Excavation and Landscapes has "legal right to enter and conduct mining operations on the land covered by this notice" is erroneous.

Because Jensen has not authorized the performance of any mining activities on the Jensen Property, he respectfully requests that the permit be revoked immediately.

If you have any questions regarding this matter, please contact me at 801-413-1600.

Sincerely,  
SMITH HARTVIGSEN, PLLC

*Kathryn Steffey*  
Kathryn J. Steffey

cc: Karl Jensen  
Ronda Kippen, Weber County Planning Division (via email)

4843-6188-7015/JE032-002





KATHRYN J. STEFFEY  
ksteffey@smithlawonline.com

August 26, 2015

**Via U.S. Mail and Email (rkippen@co.weber.ut.us)**

Ronda Kippen

**WEBER COUNTY PLANNING DIVISION**

2380 Washington Blvd, Suite 240

Ogden, Utah 84401

**Re: CUP Application for Karl A. Jensen Land Holding Co. Property, Serial No. 230440007**

Dear Ronda:

Thank you for the phone call yesterday. As we discussed, Mr. Jensen has not authorized any mining activity to be performed on the above-referenced property. Rather, Mr. Jensen has given Mr. Dan Lockwood and his company authority to enter the property solely for the purpose of "haul[ing] rocks" from the property. It is my understanding that this permission is consistent with the CUP issued by Weber County in 2009, which authorizes the removal of surface boulders. Any activities presently performed by Mr. Lockwood and/or his company on the property that exceeds mere removal of surface boulders is unauthorized. As you will see from the attached correspondence to Mr. Lockwood's legal counsel, I have demanded, on behalf of Mr. Jensen, that all such unauthorized activities cease immediately.

Although Mr. Lockwood submitted a Conditional Use Permit ("CUP") Application this month, requesting a permit for rock collection and excavation, Mr. Jensen, the property owner representative, has not consented to such activities on the property. Accordingly, Mr. Jensen requests that the CUP be withdrawn immediately. Furthermore, please note that Mr. Lockwood is not an authorized representative for either Mr. Jensen or the property and as such as no authority to act on behalf of Mr. Jensen.

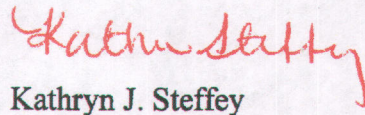
Finally, please be advised that Mr. Jensen has submitted a request to the Division of Oil, Gas, and Mining to revoke the Small Mine Activities Permit issued to Mr. Lockwood's company, Pine Ridge Excavation and Landscapes, on August 13, 2015.

If you have any questions regarding this matter, please contact me at 801-413-1600.

4841-0518-2247/JE032-002



Sincerely,  
**SMITH HARTVIGSEN, PLLC**

  
Kathryn J. Steffey

cc: Karl Jensen  
4841-0518-2247, v. 1





KATHRYN J. STEFFEY  
ksteffey@smithlawonline.com

August 26, 2015

**Via U.S. Mail and Email (mbrahana@vancott.com)**

Matthew Brahana

**VAN COTT**

36 South State Street, Suite 1900

Salt Lake City, Utah 84111

**Re: Karl A. Jensen Land Holding Co./Dan Lockwood**

Dear Matt:

As you are aware, I have been attempting to speak with you regarding your client's activities on the property owned by Karl A. Jensen Land Holding Co. (the "**Property**"). Specifically, it has come to my attention that your client has filed an application with Weber County for a Conditional Use Permit to allow a small mining operation on the Property. Although it was my hope to address this issue with you over the phone, I have not yet received a phone call from you. In the meantime, I have been contacted by Weber County, informing me that your client appear to be in violation of County ordinances. Indeed, Weber County has provided numerous photographs showing unauthorized mining activities that have occurred on the Property. Because the performance of such activities may result in a citation to Mr. Jensen, I am forced to take immediate action to remedy the problem and protect Mr. Jensen's interest.

It is my understanding that your client is accessing the Property pursuant to a hand-written license issued by Mr. Jensen. The license expressly limited Mr. Lockwood's use of the Property to "haul[ing] rocks." This license was consistent with the CUP obtained issued by Weber County in 2009 to remove surface boulders. At no time has Mr. Jensen, or any of the counties in which the Property lies, authorized any mining activity on the Property.

Despite such a lack of authorization, it appears that Mr. Lockwood has been engaging in mining activity on the Property. This is so even though he has been informed on multiple occasions by Weber County (and possibly Summit and Cache Counties) that his mining activities are illegal. In what appears to be an attempt to resolve the concerns of Weber County, Mr. Lockwood filed a CUP application this month, representing that he is the agent of Mr. Jensen. Additionally, it appears that Mr. Lockwood filed an application for a Permit to Commence Small Mine Activities with the Division of Oil, Gas, and Mining ("**DOGM**").

Although DOGM issued the Permit on August 13, 2015, it was based on the erroneous statement that Mr. Lockwood had a "legal right to enter and conduct mining operations on the land

4820-5482-1671/JE032-002



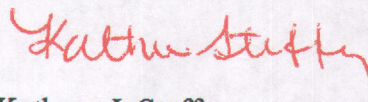
covered by this notice." Additionally, the Permit was expressly made conditional on "the approval from all other appropriate agencies." This would obviously include the counties involved.

Because Mr. Jensen has never authorized mining activity on the Property, I am submitting a letter to DOGM requesting that the Permit be revoked. Additionally, I will also be submitting a letter to Weber County informing it that Mr. Lockwood is not an agent for Mr. Jensen and does not have any authority to represent Mr. Jensen. I will also be asking that the CUP Application be withdrawn. Finally, to the extent Mr. Lockwood and/or his company is engaging in any mining or excavation activities on the Property, I am hereby formally demanding that such activities cease immediately. Mr. Lockwood and his company are only authorized to remove surface boulders, and any additional activities performed may result in the revocation of his license to enter the Property.

It is my understanding that you have drafted a proposed lease that would allow Mr. Lockwood to extend the scope of activities to be performed on the Property. Mr. Jensen is open to discussing the possibility of a lease with Mr. Lockwood regarding the future use of the Property; however, before any such discussions begin, Mr. Jensen must be provided with evidence that the lien filed against the Property by Mammoth Machinery has been released and that Mammoth Machinery has unconditionally waived its lien rights. Until such evidence has been provided, Mr. Jensen is unwilling to consider any lease for the Property.

If you have any questions concerning this matter, please give me a call at 801-413-1600.

Sincerely,  
**SMITH HARTVIGSEN, PLLC**



Kathryn J. Steffey

cc: Ronda Kippen, Weber County Planning Division (via email)

4820-5482-1671, v. 1